IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 451 OF 2007

MR. ASHOK SAVIO PINTO AND ANR., ... Petitioners
Versus
FALEIRO INVESTMENTS PRIVATE LIMITED THROUGH MANAGING DIRECTOR AND 10 ORS., ... Respondents

Mr. D. S. Shirodkar,Advocate for the petitioners.
Mr. S. S. Kantak, Advocate General with Ms. R. Chodankar, Addl. Govt.Advocate for the respondents No.6, 8, 10, 11.

Coram:- R. S. MOHITE &
N. A. BRITTO, JJ.

Date:- 8th October, 2007

P.C.

The grievance made in this petition is that, the open space which was reserved in the layout plan was sold by the developer to a party along with apportionment plot. The apprehension of the petitioner is that, party who has purchased the plot in question is likely to utilise the open space for a purpose other than for which it was permitted to be kept as open space.

The Advocate for the petitioners states that there is no guarantee that the land which is designated as open space will be kept as such. He admits that as on the date of filing of the petition, the open space is still not developed and remains open. The grievance appears to be that the developer cannot sell the reserve open space. He is not able to substantiate this petition. He therefore, seeks permission to withdraw the petition with liberty to file suit in case developer/party seeks change the nature of the open space.

Petition is dismissed with liberty.

R. S. MOHITE, J.

N. A. BRITTO, J.

SMA